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APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/671,764	09/26/2003		John H. Crabtree	58934-010300	8888	
33717	7590	05/04/2006		EXAMINER		
GREENBER	RG TRAI	URIG LLP	BUI, VY Q			
2450 COLORADO AVENUE, SUITE 400E SANTA MONICA, CA 90404			3	ART UNIT	PAPER NUMBER	
SANTA MOD	ica, ca 70404			3734		

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		·		9-			
		Application No.	Applicant(s)				
Office Action Summary		10/671,764	CRABTREE, JOHN	I H.			
		Examiner	Art Unit				
	1	Vy Q. Bui	3734				
The MAILING DATE of this Period for Reply	communication appea	ars on the cover sheet	with the correspondence add	lress			
A SHORTENED STATUTORY PE WHICHEVER IS LONGER, FROM - Extensions of time may be available under the after SIX (6) MONTHS from the mailing date - If NO period for reply is specified above, the - Failure to reply within the set or extended period and the period of the	A THE MAILING DAT e provisions of 37 CFR 1.136(of this communication. maximum statutory period will idd for reply will, by statute, ca ee months after the mailing di	E OF THIS COMMUN (a). In no event, however, may apply and will expire SIX (6) M ause the application to become	NICATION. a reply be timely filed ONTHS from the mailing date of this cor ABANDONED (35 U.S.C. § 133).				
Status							
1) Responsive to communicat	ion(s) filed on <u>07 Apr</u>	il 2006.					
2a) ☐ This action is FINAL.	This action is FINAL . 2b)⊠ This action is non-final.						
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
closed in accordance with t	he practice under <i>Ex</i>	parte Quayle, 1935 C	.D. 11, 453 O.G. 213.				
Disposition of Claims							
4)⊠ Claim(s) <u>1-27</u> is/are pendin							
4a) Of the above claim(s) 1		from consideration.					
5) Claim(s) is/are allow							
6) Claim(s) <u>1-12 and 27</u> is/are							
7) Claim(s) is/are object 8) Claim(s) are subject		election requirement.					
o) Ciallit(s)are subject	to rectification director						
Application Papers							
9) The specification is objected	to by the Examiner.		to by the Everniner				
10) The drawing(s) filed on							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is o	bjected to by the Exa	miner. Note the attack	ned Office Action or form PT	O-152.			
Priority under 35 U.S.C. § 119							
12) ☐ Acknowledgment is made of a) ☐ All b) ☐ Some * c) ☐ N		oriority under 35 U.S.C	C. § 119(a)-(d) or (f).				
1. Certified copies of the	e priority documents						
			Application No	0.			
			en received in this National	Stage			
	International Bureau		not received				
* See the attached detailed O	ttice action for a list c	or the certified copies f	iot received.				
Attachment(s)		4) 🗌 Intervie	ew Summary (PTO-413)				
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawin 	g Review (PTO-948)	Paper	No(s)/Mail Date	D 452)			
3) Information Disclosure Statement(s) (Paper No(s)/Mail Date 9/03&8/04.	TO-1449 or PTO/SB/08)	5) Motice 6) Other:	of Informal Patent Application (PTC	J- 132)			

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DETAILED ACTION

Election/Restrictions

Claims 14-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in the reply filed on 4/7/2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

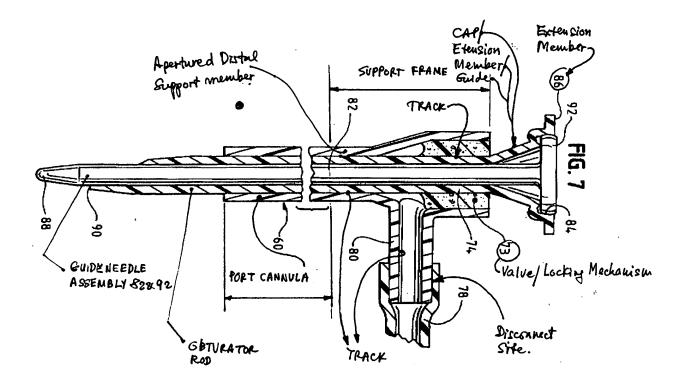
The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-9, 12-13 and 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Utterberg-6,267,750.

As to claims 1-2, 4-9, 11-13 and 26-27, Utterberg-'750 (Fig. 6-7, for example) discloses substantially the claimed invention as indicated in the following reproduced Fig. 7:

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As to claim 3, valve 73 defines apertured/slit membrane and non-return valve.

As to claims 10-11, Utterberg-'750 (Fig. 1-4) discloses support frame 44, obturator cannula 10, port cannula defining lumen 16b, hollow core guideneedle 12b and needle 32 substantially as recited in the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vy Q. Bui whose telephone number is 571-272-4692. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on 571-272-496359. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vy Q. Bui

Primary Examiner

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04/19/2006